

Appl. No.: 10/692,572  
Attorney Docket No.: 10541-1894  
Amendment in reply to Office Action of November 2, 2005

### III. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. Claims 17-20 have been cancelled. Accordingly, claims 1-16 remain pending in the application.

#### Election/Restriction

The Examiner has required an election of one of two patentably distinct inventions under 35 U.S.C. § 121. The Examiner has identified the inventions as follows:

- I. Claims 1-16, drawn to an air bag apparatus, and
- II. Claims 17-20, drawn to a method of forming an instrument panel.

Responsive to the election requirement, the Applicants hereby elect, without traverse, to prosecute claims 1-16 directed to an air bag apparatus.

#### Objections to the Specification

The specification was objected to because of an informality based on the usage of the term "weld stud". Accordingly, the Applicants have amended paragraphs [0018] and [0019] to specify that the heads of the weld studs are welded to the airbag chute. As indicated by the Examiner, the term "weld stud" refers to studs that are welded to the elements they fasten. Since the specification is clear that the weld studs are used to fasten the airbag door assembly to the substrate, and the amendments to the specification merely give a specific indication that the weld studs are welded to the

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airbag chute, Applicants assert that the amendments to paragraphs [0018] and [0019] of the specification do not constitute new matter. Accordingly, the Applicants respectfully request that the Examiner reconsider and withdraw these objections to the specification.

Objections to the Claims

Claims 1-4 and 6-16 have been objected to by the Examiner for informalities related to the use of the term "weld stud". Paragraphs [0018] and [0019] have been amended to specifically indicate that the weld studs are welded to the airbag chute. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw these objections to the claims.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1-10 and 12-15 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,457,739 issued to Dailey et al. (Dailey). The Applicants respectfully assert that Dailey does not teach each and every element of the invention as described in claims 1 and 5 of the present invention.

With reference to Claim 1, the invention requires "A modular airbag door assembly comprising: an airbag chute... a door panel pivotally mounted to said front side of said airbag chute .... said airbag door assembly further including a plurality of weld studs extending from said rear side of said airbag chute, said weld studs adapted to allow said airbag door assembly to be mounted to a substrate with said rear side of said chute being positioned against a front side of the substrate." Specifically, Dailey

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does not disclose the rear side of the airbag chute being positioned against the front side of the substrate.

With reference to Claim 5, Dailey does not disclose "a modular airbag door assembly mounted to said outer surface of said substrate".

Dailey discloses a traditional airbag assembly, wherein the substrate is sandwiched between the airbag chute and the airbag assembly. Such known construction is referred to in paragraphs [0002] and [0003] of the Background section of the present application:

Referring to figure 1, an example of previous foam-in-place automotive instrument panels having an integral passenger side airbag system is shown generally at 10. An airbag module 12 is attached to an airbag chute 14 which is attached to an inner surface 16 of a substrate 18. A door panel 20 is mounted to a front surface 22 of the substrate 18. Thus, the substrate 18 is sandwiched between the door panel 20 and the airbag chute 14.

Therefore, there is a need for an improved instrument panel assembly having a modular airbag door assembly wherein the door panel and the airbag chute are mounted to a front surface of the substrate, thereby eliminating the sandwiching of the substrate between the door panel and the airbag chute.

Claims 1 and 5 and the drawings of the present invention disclose and illustrate an air bag door assembly wherein all components of the airbag door assembly are mounted to the outer surface of the substrate. Portions of the airbag assembly extend behind the substrate through the opening within the substrate, however, all components of the airbag assembly are mounted to the outer surface. Referring to Paragraph [0018] of the specification:

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A nut 72 or other appropriate device is then attached to the threaded shaft 70 of the weld studs 66 adjacent the inner surface 30 of the substrate 26 to secure the door panel 48 and the airbag chute 36 to the outer surface 28 of the substrate 26.

In light of the above arguments, Applicants assert that Claims 1 and 5 are allowable over Dailey. Further, Applicants assert that claims 2-4, 6-10, and 12-15 are allowable as depending, either directly or indirectly, from allowable independent claims 1 and 5. Accordingly, Applicants respectfully request the Examiner reconsider and withdraw these rejections to claims 1-10 and 12-15 under 35 U.S.C. §102(b).

Claim Rejections - 35 U.S.C. §103(a)

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dailey in view of United States Patent No. 6,726,239 issued to Teranishi et al. (Teranishi). Further, Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dailey in view of United States Patent No. 5,611,564 issued to Bauer (Bauer).

In light of the arguments made above with regard to the rejections under 35 U.S.C. §102(b), Applicants assert that claims 1 and 5 are allowable, and that claims 11 and 16 are allowable as depending, either directly or indirectly, from allowable independent claims 1 and 5. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw these rejections under 35 U.S.C. §103(a).

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**Conclusion**

In view of the above amendments and remarks, it is respectfully submitted that the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Applicants authorizes charging of any fee deficiency to the deposit account of Applicants' assignee, Visteon Global Technologies, Inc., as indicated in the Transmittal accompanying this Statement.

Respectfully submitted by,

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